

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

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JOHN DOE,

Plaintiff,

v.

Case No. 19-cv-1348-pp

BOARD OF REGENTS OF THE  
UNIVERSITY OF WISCONSIN SYSTEM,  
UNIVERSITY OF WISCONSIN OSHKOSH,  
ANDREW LEAVITT, SHAWNA KUETHER,  
and ABIGAIL SYLVIA,

Defendant.

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**ORDER DENYING WITHOUT PREJUDICE  
PLAINTIFF'S RULE 7(H) EXPEDITED NON-DISPOISTIVE MOTION FOR  
PRELIMINARY INJUNCTION (DKT. NO. 4) AND DENYING WITHOUT  
PREJUDICE PLAINTIFF'S MOTION FOR TEMPORARY STAY ORDER AND  
MOTION FOR INUNCTION (DKT. NO. 3)**

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On September 11, 2019, the plaintiff, a student enrolled in the University of Oshkosh, filed a complaint in Winnebago Circuit Court (John Doe v. Board of Regents, et al., Case No. 2019cv000757). Dkt. No. 1-3 at 1-35. The defendants filed a notice of removal in the Eastern District of Wisconsin, but designated the Milwaukee Division. Dkt. No. 1-1 at 1. Counsel should have designated this case for assignment to the Green Bay Division, which encompasses Winnebago County, because that is the division with the greatest nexus. See General Order Regarding Assignment of Cases to the United States District Judge Designated to Hold Court in Green Bay, Wisconsin (available at [wied.uscourts.gov](http://wied.uscourts.gov)).

Following the removal, the clerk of court separately docketed motions for leave to proceed anonymously, dkt. no. 2, and for a temporary stay order and injunction that the plaintiff had filed in the Winnebago County Circuit Court case, dkt. no. 3. The plaintiff since has filed in this court a Rule 7(h) motion for preliminary injunction, dkt. no. 4; a motion to seal the disclosure statement, dkt. no. 9; and a letter requesting a hearing before September 26, 2019 to ensure “a fundamentally fair hearing,” dkt. no. 10. The parties have not fully briefed the motions. This order addresses the Rule 7(h) motion for preliminary injunction, because it asks the court to enjoin an upcoming proceeding at the University of Oshkosh. The court will deny without prejudice the plaintiff’s request(s) for injunctive relief. Dkt. Nos. 3, 4.

The plaintiff’s Rule 7(h) expedited non-dispositive motion for preliminary stay order and injunction asks the court to intervene, stay and enjoin a non-academic misconduct proceeding at the University of Oshkosh scheduled to begin on September 26, 2019. Dkt. No. 4 at 4. A motion seeking expedited relief under Civil Local Rule 7(h) (E.D. Wis.) is limited to three pages—the plaintiff filed four pages. More importantly, Rule 7(h) is not the appropriate vehicle for bringing a motion for preliminary injunctive relief, which is an extraordinary remedy. As the court explains in its Tips for Practicing Before Judge Pepper on the Eastern District of Wisconsin website, “the expedited motions process in Civil Local Rule 7(h) may be appropriate in some circumstances where a little briefing, but only a little, is needed.” See Judges Directory, Judge Pamela Pepper, at [wied.uscourts.gov](http://wied.uscourts.gov).

The plaintiff’s motions for injunctive relief ask the court to interfere with an upcoming non-academic misconduct proceeding at a state university. “[A] preliminary injunction is an extraordinary and drastic remedy, one that should

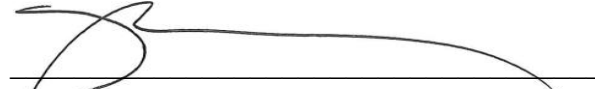
not be granted unless the movant, by a clear showing, carries the burden of persuasion.” Mazurek v. Armstrong, 520 U.S. 968, 972 (1997). At a minimum, the plaintiff needs to file a brief discussing the Seventh Circuit standard governing requests for injunctive relief, the legal authority that would allow the court to enjoin the university in advance of the hearing, and the facts that support the request. The motion cites the Wisconsin Administrative Code in support of its allegation that there are errors in the university’s process, but it cites no Seventh Circuit authority that confers on this court the ability to intervene in that process. If the plaintiff chooses to file a proper motion discussing the standard and his burden, the plaintiff should also include an explanation of why he thinks a hearing on the motion is necessary (if he does), an estimate of the amount of time that would be required for a hearing and an explanation of whether he would call witnesses at such a hearing.

The court **DENIES WITHOUT PREJUDICE** the plaintiff’s Rule 7(h) expedited non-dispositive motion for preliminary injunction. Dkt. No. 4.

The court **DENIES WITHOUT PREJUDICE** the plaintiff’s motion for temporary stay order and motion for injunction, which was filed in the Winnebago Circuit Court case and docketed separately by the clerk of the district court upon removal. Dkt. No. 3.

Dated in Milwaukee, Wisconsin this 20th day of September, 2019.

**BY THE COURT:**



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**HON. PAMELA PEPPER**  
**United States District Judge**